

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, August 7, 2015
Little America Hotel
2515 E. Butler Ave.
Flagstaff, Arizona 86004

PRESENT: (Commission)

(Director's Staff)

Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner James S. Zieler
Commissioner Robert E. Mansell

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Edward J. Owens	2015-0025	Count A:	Knowingly allow edible portions of game meat to go to waste (Javelina)
		Count B:	Knowingly allow edible portions of game meat to go to waste (Javelina)
		Count C:	Knowingly allow edible portions of game meat to go to waste (Javelina)
Michael Ammon Sprau	2015-0040	Count A:	Litter while hunting
Randolph C. Sprau	2015-0041	Count A:	Litter while hunting
Hermenejildo Amaya	2015-0053	Count A:	Take wildlife without a valid license (Mountain Lion)
		Count C:	Possess/transport wildlife or parts of wildlife which was unlawfully taken (Mountain Lion)
Jesus Morgan-Alvarez	2015-0054	Count A:	Possess/transport wildlife or parts of wildlife which was unlawfully taken (Mountain Lion)
Oscar Galvan-Camacho	2015-0055	Count A:	Take wildlife without a valid license (Deer)
Morris W. Blanton	2015-0056	Count B:	Take wrong sex

		Count D:	Knowingly take wildlife during a closed season (Antelope)
		Count E:	Waste edible game meat
Pablo Vega Cendejas	2015-0057	Count A:	Obtain resident license/tag by misrepresentation
Juan Carlos Cerda	2015-0058	Count A:	Obtain resident license/tag by misrepresentation
Ernesto Sanchez Cerda	2015-0059	Count A:	Obtain resident license/tag by misrepresentation
Marvin D. Huenink	2015-0061	Count B:	Discharge firearm within ¼ mile of an occupied structure
		Count C:	Shoot across railroad
		Count D:	Possess/transport wildlife or parts of wildlife which was unlawfully taken (Elk)
Billy A. Phouvong	2015-0062	Count A:	Take small game in excess of bag limit (Squirrels)

Roll call was taken and the following were present: Michael Sprau, Randolph Sprau, Morris Blanton, Ernesto Cerda and Marvin Huenink.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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The cases of Ammon M. Sprau and Randolph C. Sprau are related.

Ammon M. Sprau
Docket # 2015-0040

Sprau was found guilty by the Yarnell Justice Court for Count A: Litter while hunting; and sentenced: Fined \$513.00.

Sprau was present and addressed the Commission stating that the officers lied and that there were numerous illegal activities by Department staff in a conspiracy against him. He plans to take this case to the Supreme Court if he has to.

Commissioner Zieler asked in regards to photos of the camp, if that was how Mr. Sprau kept his camp whether an active or inactive campsite.

Mr. Sprau stated that it is how he keeps his camp when he is camping and he would have cleaned it up when he left if the officer had not stolen his shovel.

Commissioner Madden asked Mr. Sprau if he was found guilty in Yavapai Court.

Mr. Sprau stated yes, but that there were several improprieties and due process violations by the court and the Department.

Commissioner Mansell explained to Mr. Sprau that the Commission was not here to rehear his case, but to address the case according to the courts finding of guilty. If he pursues his case in court and wins, then he can bring that back to the Commission.

Mr. Elms informed the Commission that the Department usually waits to bring cases that are being appealed before the Commission. In this case, the Department waited on the first appeal by Mr. Sprau that was not successful. The Department has no information about a new appeal by Mr. Sprau.

Case Officer Rigo was present and answered questions for the Commission. Officer Rigo stated that Mr. Sprau's statements about illegal activities and conspiracies by the Department and the courts are not true, and that this behavior is how Mr. Sprau has been throughout the entire process.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AMMON M. SPRAU TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Randolph C. Sprau
Docket # 2015-0041

Sprau was found guilty by the Yarnell Justice Court for Count A: Litter while hunting; and sentenced: Fined: \$493.00.

Sprau was present and addressed the Commission stating that he didn't realize he was responsible for everyone else's trash. Last year they all made sure there camp was clean when they left. He just recently started hunting again and asked the Commission for leniency.

Commissioner Mansell asked Mr. Sprau if he shared the sentiments of his brother Ammons Sprau in regards to the accusations of lying and deceitfulness of Department officers, and additionally if he believed the officer was correct in his assessment of the trash.

Mr. Sprau stated that he wasn't sure about the accusations of lying and deceitfulness, but the officer was correct in his assessment of the trash.

Commissioner Zieler informed Mr. Sprau that the Commission has information that shows the Sprau's have left trash behind in the past, year after year.

Mr. Sprau stated that he quit hunting a couple years after his father passed away in 1981 and just started again in 2009 because his brother asked him to go hunting with him.

Officer Rigo addressed the Commission stating that the two brothers were distinctly different in how they treated the officers. Randall Sprau has been truthful for the most part. He admitted some of the trash was his and he has cleaned up some areas of trash from others.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RANDALL C. SPRAU TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Zieler asked for a friendly amendment to two years revocation instead of three.

Commissioners Mansell and Madden accepted.

Amended Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RANDALL C. SPRAU TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND

ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Morris W. Blanton
Docket # 2015-0056

Blanton was found guilty by the Seligman Justice Court for Count B: Take wildlife during closed season (antelope); Count D: Knowingly take wildlife during a closed season; and Count E: Waste edible game meat; and sentenced: Fined \$1,552.00.

Blanton was present and addressed the Commission stating that the charges are true and he pled guilty to the charges. He had never done anything like that before and it was a foolish thing to do after 40 years of hunting. He didn't intend to let the meat go to waste. He apologized his actions and stated he has never been in trouble before.

Commissioner Zieler asked why he shot a doe instead of a buck.

Blanton stated that he saw horns and thought it was a buck. He didn't realize that does had horns too.

Case Officer Tucker was present and addressed the Commission stating that he believes Mr. Blanton was frustrated after a few attempts with a bow and arrow, and then decided to take one with a rifle. Then to compound the issue, he ended up taking a doe instead of a buck.

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MORRIS W. BLANTON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MORRIS W. BLANTON TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE DOE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Ernesto S. Cerda

Docket # 2015-0059

Cerda was found guilty by the Yarnell Justice Court for Count A: Obtain resident license/tag by misrepresentation; and sentenced: Fined \$493.00 and ordered to pay restitution of \$380.00.

Cerda was present and addressed the Commission accompanied by an individual to translate for him. The translator read a statement to the Commission that stated Mr. Cerda and the others in his group did not intentionally misrepresent themselves. They believed that holding an Arizona ID card was sufficient to obtain Arizona hunting licenses. They have paid all their fines and have not had any other incidences, and they are asking for leniency.

Chairman Davis confirmed with Mr. Cerda that he was aware that he bought resident licenses in both Arizona and California.

Case Officer Konke addressed the Commission stating that there were 64 violations combined in Mr. Cerda's group of five, but he only cited them for buying license or when they got tags. He does not know if they ever took any animals, but there were six tags, including deer and elk between the five. Also, Mr. Cerda had a deer tag in 2014, a deer tag in 2013, and an elk tag in 2010.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ERNESTO SANCHEZ CERDA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Marvin D. Huenink

Docket # 2015-0061

Huenink was found guilty by the Williams Justice Court for Count B: Discharge firearm within ¼ mile of an occupied structure; and Count C: Shoot across railroad; and Count D: Possess/transport wildlife or parts of wildlife which was unlawfully taken (elk); and sentenced: Fined \$1,155.00.

Huenink was present and addressed the Commission stating that he did not see the no trespassing signs and didn't know he was on private property, and he didn't see the house because it was

behind a line of trees. He did not know about the ¼ from a resident rule, which he should have known. He is not a lawbreaker and will never hunt again, but he asked for leniency regarding the civil assessment.

Chairman Davis stated that the Commission cannot go lower on the civil assessment because it is in statute, they can only go higher.

Commissioner Zieler stated that Mr. Huenink had a permit to harvest an elk and the elk was taken to a foodbank so there was no loss. He asked Mr. Odenkirk if the Commission was required to assess damages in this case.

Mr. Odenkirk stated that the Commission is not required to assess damages, but if they do, it has to be for the amount in statute.

Case Officer Rice was present and addressed the Commission stating that Mr. Huenink was honest during the investigation.

Motion: Zieler moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARVIN. D. HUENINK TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Mansell requested a friendly amendment to include a five year revocation period. In his mind, the civil assessment should also be included because the loss of the elk taken illegally is one elk less that a legal hunter could have taken.

Commissioner Mansell suggested amendment was not accepted by Commissioners Zieler and Davis.

The Commission voted on the original motion.

Vote: Aye - Davis, Zieler
Nay - Madden, Ammons, Mansell
Failed 3 to 2

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARVIN D. HUENINK TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING

FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Mansell, Madden
Nay - Davis, Ammons, Zieler
Failed 3 to 2

Motion: Zieler moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARVIN D. HUENINK TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Ammons, Zieler
Nay - Mansell
Passed 4 to 1

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Edward J. Owens
Docket # 2015-0025

Owens was found guilty by the Cochise County Superior Court for Count A: Knowingly allow edible portions of game meat to waste (javelina); Count B: Knowingly allow edible portions of game meat to waste (javelina); and Count C: Knowingly allow edible portions of game meat to waste (javelina); and sentenced: Combined fine of \$1,425.00.

Owens was not present.

The Case Officer was present.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF EDWARD J. OWENS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY

OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **EDWARD J. OWENS** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **THREE (3) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The cases of Hermenejildo Amaya and Jesus Morgan-Alvarez are related.

Hermenejildo Amaya
Docket # 2015-0053

Amaya was found guilty by the Green Valley Justice Court for Count A: Take wildlife without a valid license (mountain lion); and Count C: possess/transport unlawfully taken wildlife or parts of wildlife; and sentenced: Fined \$1,000.00.

Amaya was not present.

Mr. Elms informed the Commission that he received a letter from the rancher regarding the cases of Amaya and Alvarez. The rancher requests the Commission to not revoke their hunting licenses because as ranch hands they may need to take a depredating mountain lion.

Case Officer Frieberg was present and addressed the Commission stating that initially Amaya and Alvarez were not truthful, but once they understood the situation they were truthful

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **HERMENEJILDO AMAYA TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **HERMENEJILDO AMAYA** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) MOUNTAIN LION**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Madden, Ammons, Zieler, Mansell
Nay - Davis

Passed 4 to 1

This case is re-opened following the Alvarez case.

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Jesus M. Morgan-Alvarez

Docket # 2015-0054

Alvarez was found guilty by the Green Valley Justice Court for Count A: Possess/transport unlawfully taken wildlife (mountain lion); and sentenced: Fined \$500.00.

Alvarez was not present.

Mr. Elms read a letter from Mr. Alvarez to the Commission that stated his apologies for what he did and admitting that it was wrong.

Case Officer Frieberg was present and answered questions for the Commission, including that Mr. Alvarez was cooperative in the case. He believes they truly didn't understand the laws.

Motion: Mansell moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JESUS M. MORGAN-ALVAREZ TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Hermenejildo Amaya

Docket # 2015-0053

Commissioner Ammons requested to re-open the case of Hermenejildo Amaya

Motion: Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO RECONSIDER THE CASE OF HERMENEJILDO AMAYA.

Commissioner Mansell stated that he will vote against it because Amaya is the one that shot the animal, so he has a little higher level of responsibility.

Vote: Aye – Davis, Madden, Ammons, Zieler
Nay - Mansell
Passed 4 to 1

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HERMENEJILDO AMAYA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST HERMENEJILDO AMAYA TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Zieler stated that he partially agreed with Commissioner Mansell in the higher level of responsibility, but that it is reflected in the \$1,500 fine.

Vote: Aye – Davis, Madden, Ammons, Zieler
Nay - Mansell
Passed 4 to 1

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Oscar I. Galvan-Camacho
Docket # 2015-0055

Camacho was found guilty by the Green Valley Justice Court for Count A: Take wildlife without a valid license (deer); and sentenced: Fined \$300.00.

Camacho was not present.

Case Officer Frieberg addressed the Commission stating that Camacho did not provide truthful information when he was questioned.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF OSCAR I. GALVAN-CAMACHO TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY

OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Pablo V. Cendejas
Docket # 2015-0057

Cendejas was found guilty by the Yarnell Justice Court for Count A: Obtain resident license/tag by misrepresentation; and sentenced: Fined \$493.00 and ordered to pay restitution of \$380.00.

Cendejas was not present.

Mr. Elms reminded the Commission that the testimony for Ernesto Cerda applies to Pablo Cendejas as well because he was one of the group.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PABLO V. CENDEJAS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Juan C. Cerda
Docket # 2015-0058

Cerda was found guilty by the Yarnell Justice Court for Count A: Obtain resident license/tag by misrepresentation; and sentenced: Fined \$493.00 and ordered to pay restitution of \$380.00.

Cerda was not present.

Mr. Elms reminded the Commission that the testimony for Ernesto Cerda applies to Juan Cerda as well because he was one of the group.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUAN C. CERDA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Billy A. Phouvong
Docket # 2015-0062

Phouvong was found guilty by the Flagstaff Justice Court for Count A: Take small game in excess of bag limit; and sentenced: Fined \$276.00.

Phouvong was not present.

The Commission discussed previous cases of Mr. Phouvong with Mr. Elms.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BILLY A. PHOUVONG TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BILLY A. PHOUVONG TO COLLECT THE AMOUNT OF \$150.00 FOR THE LOSS OF THREE (3) SQUIRRELS; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:25 p.m.

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